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JUN 8 2023

United States District Court

RICHARD W. NAGEL, CLERK OF COURT
COLUMBUS, OHIO

For the

SOUTHERN District of Texas

HOUSTON Division

Case No. **2:23 CV 1 8 7 9**

EDMUND HEIMLICH

Plaintiff

-V-

UNITED STATES

Respondent

THE STATE OF TEXAS

Respondent

List of Defendants, See Page 2

JUDGE WATSON

MAGISTRATE JUDGE VASCURA

Jury Trial

**REQUEST FOR GOVERNMENT SERVICES AND
PETITION TO THE GOVERNMENT OF THE UNITED STATES
BY AND THROUGH THE JUDICIAL BRANCH THEREOF
FOR A REDRESS OF GRIEVANCES – CIVIL AND CRIMINAL**

**PETITION TO REQUIRE PERFORMANCE OF A CONTRACT TO
CONVEY REAL PROPERTY**

PETITION TO REDRESS THE CONVERSION OF PROPERTY

PETITION TO REDRESS DEPRIVATION OF UNALIENABLE RIGHTS

I. PARTIES

A. The Petitioner, aka Plaintiff,

Edmund Heimlich, Ed44@att.net
569 East Church St.
Marion, OH 43302 512-779-0234

B. Respondents:

1. United States, Through Attorney General Merrick B. Garland

U.S. Department of Justice,
950 Pennsylvania Ave. NW,
Washington DC 20530,
PH: 202-514-2000

2. The State of Texas, Through Attorney General John Scott

300 W. 15th Street
Austin, TX 78701
PH: 512-463-2100

The **State of Texas**, Through District Attorney Kim Ogg
500 Jefferson St., Suite #600,
Houston, TX 77002,
PH: (713) 274-5800

C. Defendants;

**1. Michael Newman, in Official Capacity as Judge
And Individual Capacity and as Attorney**

245 West 18th Street,
Houston, TX 77008

**2. Jerry, Simoneaux, in Official Capacity as Judge
And Individual Capacity and as Attorney**

201 Caroline St., Ste 600,

Houston, TX 77002

3. **David S. Cook**, as Personal Representative of The Estate
211 W 11th St. Houston,
TX 77008

4. **COOK LAW, PLLC**, owned by David S. Cook

211 W. 11th Street
Houston, Texas 77008

Phone: 713.568.6511
dcook@cooklawpllc.net

5. **Suzan Kornblitt**, as Personal Representative of The Estate
3410 Mercer St.
Houston, TX 77027

suzie@kornblitassociates.com

6. **Mark Yablon**
2777 Allen Pkwy, Fl 10,
Houston, TX 77019
PH: 281-310-5813

mark@yablonlaw.com

7. **Candic Schwager**
16807 Pinemoor Way,
Houston, TX 77058

PH: 832-857-7173
Candiceschwager@icloud.com

8. **George Lindsey**, in his Official Capacity as
Assistant District Attorney for Harris County, Texas
500 Jefferson St., Suite #600,
Houston, TX 77002,

PH: (713) 274-5800
Lindsey_george@dao.hctx.net

II. INTRODUCTION

NOW COMES PETITIONER / PLAINTIFF EDMUND HEIMLICH (“**Heimlich**”, “**Petitioner**”), a natural person, a Human, a citizen of the United States by birth, and a citizen of Ohio by residence, to humbly beg his government, known as the United States, perform the duties for which it was created. Our first Law as an independent nation was enacted by unanimous vote of the duly authorized representatives of, We, the People of the United States of America on July 4, 1776. Self-evident truths are laws that cannot be repealed. This, our organic law, was then ratified by a blood sacrifice to become the Law of the Land.

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. **That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,....***

Government exists to secure the unalienable Rights of this Petitioner. It is the primary duty of our federal government. This Court is a branch of that Government charged with the duty to hear, and redress, my grievance with my federal government for refusing to secure the unalienable rights of Citizens of the

United States by ordering the enforcement of the supreme Law of the Land on neo-confederates hiding in positions of public trust in Probate Courts in Texas.

Article VI: Supreme Law - Constitution of the United States

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.***

III. JURISDICTION

The Jurisdiction of a Federal Court to act on this Petition is not in question. The only question is whether the United States District Court that receives this request will, as a hand of the Federal Government, perform the function of government for which it was created. It was well understood at the time of enactment that the First Amendment secures the Right to Petition to a Federal Court to redress grievances. This petitioner is old enough to remember when the document to initiate a legal proceeding in a Court that is now often identified as a “Complaint” began with the words “**Original Petition**”. The Right to Petition does not refer to the gathering of signatures to submit to Congress.

The CIVIL RIGHTS ACT OF 1866 titled “*An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication*” mandates the Federal Government, and its Judicial Branch, exercise jurisdiction when a human person in the United States is being or has been deprived of their Human Rights secured as Civil Rights. The Federal Courts provide the means for vindication. Section 3 of the Act States:

*Sec. 3. And be it further enacted, **That the district courts of the United States**, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act;*

Civil Rights are Human Rights secured by Law. The Right of the Human Person to have the Protection of the Law is known as **LIBERTY** and can be found in the law common in Anglo-American jurisprudence known as the Magna Carta,

aka The Great Charter of Liberties, enacted in 1215. Full version available at:

<https://www.bl.uk/magna-carta/articles/magna-carta-english-translation> This Law

was ‘common’ to all the subjects, and to other persons, on all the land of the realm of the sovereign, just as our Constitution is the supreme Law of the Land common to all on land under the jurisdiction of the United States Government, the 50 States and Territories without the semi-autonomous self-rule privilege of the 50. See The CONFIRMATIO CARTARUM Granted by Edward I, November 5, 1297

amendment to the Magna Carta declaring it to be the Common Law to all:

EDWARD, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all those that these present letters shall hear or see, greeting. Know ye that we, to the honour of God and of Holy Church, and to the profit of our realm, have granted for us and our heirs, that **the Charter of liberties**, and the Charter of the Forest **which were made by common assent of all the realm**, in the time of King HENRY our father, shall be kept in every point without breach.

1. AND we will that the same charters shall be sent under our seal, as well to our justices of the forest, as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs, in the which it shall be contained, that they cause the foresaid charters to be published, and to declare to the people that we have confirmed them in all points; and that our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, **the Great Charter as the common law and the Charter of the Forest, for the wealth of our realm.**
2. AND we will, That if any judgement be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers that hold plea before them against the points of the charters, it shall be undone, and holden for nought.

3. AND we will, That the same charters shall be sent, under our seal, to cathedral churches throughout our realm, there to remain, and shall be read before the people two times by the year.
4. AND that all archbishops and bishops shall pronounce the sentence of excommunication against all those that by word, deed, or counsel do contrary to the foresaid charters, or that in any point break or undo them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the said prelates, or any of them, be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York for the time being shall compel and distrain them to the execution of their duties in form aforesaid.

The Nuremberg Trials after World War II followed by International Law introduced by our Federal Government to the United Nation, and ratified by our United States Senate, gave worldwide recognition and made LAW the self-evident truths stated in our Organic Law of July 4, 1776. The Law, as a self-evident truth, that every Human Person is “*endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness*”.

The creator referred to is identified therein as “*The laws of Nature and Nature’s God*” (NOTE: Human Beings / Persons, aka people, are not created by a sovereign be that sovereign a King or Government, nor by Human Laws) and that government officials have a duty to secure the Right of the Individual to have the protection of their unalienable Rights from violations by other government officials, and those that conspire with them, to deprive them unalienable rights under the pretense or color of human law of the sovereign.

UNALIENABLE RIGHTS

The right to civil remedy for a Neglect to Prevent (now 42 USC 1986) was well-established law for white persons prior to the Civil War. This is recognized in THE CIVIL RIGHTS ACT OF 1866 titled “**An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication**”. This Act did not ‘create’ the Right and did not ‘create’ means for vindication. And it did not ‘limit’ the right to a protected class. It is an additional protection of unalienable rights and means for obtaining redress and remedy (vindication) for the deprivation of Rights by those in positions of public trust added after our second blood sacrifice to enforce self-evident truths.

Our Organic Law of July 4, 1776, recognized the existence of Human Rights as a self-evident truth but did not list them beyond the declaration of the rights to Life, Liberty, and the Pursuant of Happiness. The Constitution of the United States of America before the adoption of any amendments recognized in Article I, Section 10, a few unalienable Rights to be protected from a government of a State, including the Courts in a State, from deprivation of Rights by means of:

- **Titles of Nobility,**
- **Ex Post Facto Laws, and**
- **Laws Impairing the Obligations of Contracts.**

In addition to prohibiting the governments of the States from depriving persons in the jurisdiction of a State of their Right to be protected from Titles of Nobility there is Article IV imposing on the Federal Government the duty to ensure, what is carved in stone above the House of our Supreme Court; *Equal Justice under the Law*. Section 2, clause 1 of Article IV: “*The Citizens of each State shall be entitled to all the Privileges and Immunities of Citizens in the several States*”. The right to ‘**Equal Protection of the Law**’ in the 14th Amendment was a restatement of an already well-established, unalienable Right, that the Federal Government had postponed the enforcement of to avoid a civil war until it was unavoidable. This Law was enforced:

WE THE PEOPLE of the United States, in order to form a more perfect Union, establish Justice... and secure the Blessings of Liberty. It established an egalitarian system of law where all are equal before the law regardless of the title of their profession, the title applied to their position of employment, or their wealth. We did not, as in a Communist State, seek economic equality through a forced redistribution of wealth, but egalitarian social and civil equality.

But Judges in the Probate Courts in Texas, and other members of their class of professionals, have made a license to practice law a de facto title of nobility placing members of their class above the civil and criminal laws, both State and

Federal. They believe no one in the State or Federal Government has the moral courage to hold them accountable to the supreme Law of the Land. Such hubris is not new. It is, for this reason, Our Constitution for Our United States, the supreme Law of the Land, prohibits titles of nobility. See Article 1, section 9. See also The Federalist Papers. From paper 84 by Alexander Hamilton:

“Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the corner-stone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”

Alexander Hamilton expressed his belief that this prohibition secured all of the common law Rights recognized in Anglo-American law and jurisprudence from the time of the First Magna Carta in 1215. Hamilton believe the Bill of Rights Amendments were not needed as the prohibition against Titles of Nobility, and lifetime appointment of Federal Judges, secured all of the Rights and more.

The Civil Rights Act of 1866 recognized the following as Unalienable Rights that Petitioner / Plaintiff Heimlich, as a citizen of the United States, ***“shall have the same right in every State and Territory in the United States to:***

- ***Make and enforce contracts,***

- *To sue, be parties, and give evidence,*
- *To inherit,*
- *To purchase, lease, sell, hold, and convey real and personal property, and*
- *To full and equal benefit of all laws,*
- *And proceedings for the security of person and property,*

Any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.”

This Petitioner has been deprived of every unalienable Right listed in the Act under the pretense of the vexatious litigant statute of Texas. The entire act of 1866, as well as the acts of 1871 and 1875, still stand as the supreme Law of the Land. To enable convenient access, parts of those acts have been codified. See 42 U.S.C. 1986, titled Action for Neglect to Prevent and 42 U.S.C. 1985(2) and other sections of Title 42. However, **parts not codified remain part of the supreme Law of the Land** and are to be enforced to secure unalienable Rights.

The Office of the Law Revision Counsel (“OLRC”), an independent non-partisan office in the U.S. House of Representatives under the authority of the Speaker of the House, codifies acts of Congress pursuant to 2 U.S.C. 285b.

These are Human Rights, Fundamental Civil Rights, that must be protected from deprivation by a class of professionals that consider their privilege of a license as a Title of Nobility granting them license to rob people of their inheritance, refuse to honor contracts for the conveyance of property, close the courts to prevent the enforcement of contracts and deprive them of proceedings for the security of their person and their property.

IV. ADDITIONAL JURISDICTION OF A FEDERAL COURT

To further ensure Unalienable Rights are secured the Act of 1866 imposes upon this Court, in Section 4, the duty to hire additional help if needed to enforce the supreme Law of the Land:

Sec. 4. And be it further enacted, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence.

it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, (now known as US District Court, and US Court of Appeals) from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

V. PRO SE PLEADING

In a Dependent Administration, as described in the Fiduciary Handbook promulgated by the Harris County Probate Courts, the Personal Representative is controlled by the Court to protect the interest of the beneficiaries. With the Court acting as their Legal Representative, it would be duplicitous for beneficiaries to hire a Legal Representative. In this case, the paradigm has been reversed. Rather than controlling the Personal Representative for the interests of the beneficiaries the Court, under Judges Newman and Simoneaux, have attempted to control the beneficiaries for the benefit of the crony they appoint to serve as a Personal Representative of the Estates of the disabled or deceased. This Beneficiary has had

no choice but to exercise his unalienable right to petition to protect his property interest in the Estate.

No one in their right mind chooses self-representation if they have other options. Acting pro se is stressful. Acting pro se is very time-consuming. Hours leading into weeks into months of study of procedure and research into law already known to a full-time professional. In addition, the knowledge that it is difficult for most Judges to be patient and impartial with the pro se and will not allow the pro se to recover compensation for their labor.

A person acts pro se when they have no other option. When they have not had time to find an attorney, or when they cannot find an attorney they can trust, or when they cannot afford one. When they become so outraged as the victim of a wrong they cannot remain silent but cannot find or afford a professional to speak on their behalf. This pro se is a CRIME VICTIM who has been abandoned by 2 attorneys due to threats and inducements by a person that is supposed to be under the control of the court for the protection of this pro se as a beneficiary of his father's Estate in a case for which he, Petitioner, paid a filing fee to initiate!

To protect his appointees Defendant Judge Michael Newman declared this pro se a vexatious litigant to silence him and keep from the public record the crimes and other breaches of fiduciary duties of his appointees. The

Constitutionality of the Vexatious Litigant statute is presently the subject of review in the United States Court for the Eastern District of Texas. The Texas Vexatious Litigant Statute has been upheld as Constitutional in Texas Courts but a review of the merits of the declaration naming this Petitioner a vexatious litigant will reveal an unquestionably unconstitutional application. It is, in fact, the commission of the crime of Official Oppression and a federal crime under Section 242 of Title 18.

Copied from US Department of Justice website:

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, **or local officials** within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, **as well as judges**, care providers in public health facilities, **and others who are acting as public officials**. It is **not** necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

Section 35 of the Judiciary Act states:

[I]n all courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of said courts respectively shall be permitted to manage and conduct causes herein.

“The codification of this practice of self-representation in this country can be traced to the Judiciary Act of 1789. The colonists’ memory of the Star Chapter

practices in England with their belief in the abilities of the individual and their scorn for lawyers resulted in the practice of self-representation in this country. “quoting Cornell Law Review [Vol. 61:1019] page 1024, of HISTORICAL BACKGROUND OF SELF-REPRESENTATION IN THE UNITED STATES.

Plaintiff is pro se and asks this court to afford pro se liberal construction. Plaintiff also asks that this court put substance over form. *Haines v. Kerner*, [404 U.S. 519, 520](#) (1972). “The Supreme Court has instructed federal courts to liberally construe the ‘inartful pleading’ of pro se litigants.” (citation omitted). The Court must construe the complaint liberally since Plaintiff is proceeding pro se. See *Hughes v. Rowe*, [449 U.S. 5, 9](#) (1980) (“It is settled law that the allegations of [a pro se plaintiff’s] complaint, however inartfully pleaded’ are held ‘to less stringent standards than formal pleadings drafted by lawyers’”).

VI. BACKGROUND FACTS

1. Ernest L. Heimlich, The father of the Petitioner / Plaintiff Edmund Heimlich (hereinafter “**Heimlich**”), was the victim of elder exploitation and due to age was in need of a Guardian to protect his Estate.
2. I, Heimlich, Petitioner and Plaintiff, the son of Ernest L. Heimlich, hired a law firm in Houston, Lord Bergner, to file an application to be appointed Guardian of my Father’s Estate in January of 2020.

3. The application was numbered 482316 and assigned to the probate court created by the State of Texas for Harris County, number 2, with Michael Newman serving therein as Judge.
4. Judge Newman appointed an Attorney ad litem to represent Heimlich's father and ordered a Medical Examination. Following a review of the findings from the Medical Exam and a Hearing Judge Newman found Heimlich's father in need of a Guardian of his Estate.
5. Judge Newman denied Heimlich, Petitioner / Plaintiff's, application to serve as Guardian for his Father's Estate choosing, instead, to appoint a crony of the court, Suzan Korenblit, a person unknown to Ernest Heimlich and unknown to any of his family, to serve in the fiduciary position of Guardian of the Heimlich Estate.
6. Ignoring law prescribing the custody of the Estate property, Suzan Kornblit misapplied the property and breached her fiduciary duties to the Estate.
7. Although appointed to serve as a Personal Representative, not a Legal Representative of the Heimlich Estate, Suzan Kornblitt did not bill as Guardian but as an Attorney at the rate of \$450 an hour and for an excessive, highly questionable, amount of time totaling over \$30,000 for an appointment that was less than a year.

8. After the death of his father Heimlich dismissed Ford Bergner and filed an Application to be named Temporary Administrator of his Father's Estate, pro se. Given case number 495484 it, too, was also assigned to Harris County Probate Court 2 with Judge Newman presiding.
9. Judge Newman, without just cause and in violation of the law in the Texas Estates Code, refused to appoint Heimlich as Temporary Administrator. Judge Newman appointed a third-party, unknown to Heimlich and the other Legal Heirs of Heimlich's father, the Beneficiaries of the Estate. Judge Newman appointed David S. Cook, a well-established crony of the probate courts of Harris County, to serve in the fiduciary position of Personal Representative of the Heimlich Estate for an Administration Dependent on the Court for control. Known as a 'Dependent Administration'.
10. It was in the case for the administration of the Estate and after the appointment of David S. Cook as Personal Representative of the Estate for the purpose of its administration, that Heimlich petitioned Judge Newman for the redress of his grievances with Suzan Kornblitt and his objection to the excessive fee requested by the Attorney Judge Newman appointed to serve as his father's legal representative, ad litem Gregory Lindley. The court's website suggests \$600 for ad litem representation. Gregory Lindley billed over \$7,000.

11. The Texas Estates Code requires the Personal Representative to maintain the Estate Properties and keep the buildings owned by the Estate in good repair. Heimlich had petitioned Judge Newman for his immediate appointment as Temporary Administrator of the Estate due to the condition of the Estate Property at 806 Comstock Springs posing a threat to the health and welfare of the public. An Estate Property the Guardian Suzan Kornblitt left vacant and without any care or maintenance. A pleading Judge Newman refuses to act on.
12. Heimlich filed his application on June 10, 2021. The Estate Properties languished until September 9, 2021 when David S. Cook was appointed.
13. After David S. Cook was appointed Personal Representative of the Estate Heimlich approached him with an offer to purchase the property for \$10,000 more than what the Guardian, Suzan Kornblitt, had contracted to sell the property for. A contract that was cancelled by the death of Ernest Heimlich.
14. Heimlich told David S. Cook that this was in the best interest of the Estate as Heimlich would relieve the Estate of the expense of maintaining the property and that Heimlich would put the building in good repair, as a legally required duty of the David S. Cook as the Estate's Representative, and then sell it to a buyer by assignment. Freeing David S. Cook from the obligation while benefiting the estate by limiting the expense to the Estate.

15. On November 18, 2021, David S. Cook, as Personal Representative of the Estate, signed the contract for the sale of the Estate Property at 806 Comstock Springs in Katy Texas to “Ed Heimlich and/or assigns” with the understanding that he would maintain, repair, and then flip the property to another buyer.
16. Heimlich told David S. Cook he would probably need 90 days to complete the rehab and renovation and then find another buyer before closing. David S. Cook agreed to this as that much time, and more, would be necessary to complete other matters required to settle the Estate.
17. Heimlich invested close to \$50,000 in the rehab and renovation, and his own labor every day for 60 days and found a buyer to flip the property to. A transaction from which Heimlich was to receive \$79,500 as payment for his time, recovery of his investment, and profit from his enterprise.
18. David S. Cook chose to breach the contract and notified all that he was, unilaterally, without the approval of the Court, terminating the contract.
19. David S. Cook notified the title company and others that the contract stipulated a closing date no later than February 17 when, in fact, the closing date was a target date in the contract of ***February 19 or within 7 days thereafter***, absent the very common practice of parties to the sale of property agreeing to an extension to avoid the costs of terminating a contract and finding another buyer.

20. At about the same time Judge Newman signed the ORDER approving the sale of the property to the Buyer in the First Report of Sale of 806 Comstock Springs. That buyer being “Ed Heimlich and/or Assigns” who, in addition, is a Beneficiary of the Heimlich Estate exists to benefit!
21. That ORDER has never been rescinded. David S. Cook has refused to honor the Order of the Court approving the contract David S. Cook signed. Heimlich’s request for enforcement of the Order was ignored by Judge Newman.
22. Repeated requests to Judge Simoneaux have likewise been ignored under the excuse that Heimlich was declared by Judge Newman to be a vexatious litigant and, in Judge Simoneaux’s words, “***is no longer allowed to participate***” in the case that Heimlich filed to probate an Estate in which he, as an heir with a right to inherit, is a Beneficiary the Estate exists to benefit!
23. The motive of David S. Cook for breaching the contract became crystal clear when he engaged in self-dealing by hiring his law firm, COOK LAW, PLLC, to file a complaint against Heimlich in the Probate Court demanding damages for trespass (ignoring the contract clause explicitly granting access to the property) and asking for damages for breach of contract.
24. In effect David S. Cook, the person representing the Estate that Heimlich had a property (possessory) interest in as a legal heir filed suit against the SAME

person who, as a Beneficiary of the Estate, he had accepted a duty to represent and act in the best interest of !!!! Unquestionably a reckless disregard of duties.

25. David S. Cook, representing the Estate, sued a Beneficiary of the Estate David S. Cook represents so that David S. Cook could profit from being, in effect, the representative for the plaintiff while representing the defendant !!!

26. The intent is obviously to create litigation as an excuse to bill the Estate to use as a cover for the misapplication of fiduciary funds. The case was numbered 495484-401 as an ancillary case to the probate case 495484.

27. Heimlich counter-sued in State District Court on the same day against David S. Cook for Specific Performance on the contract and for breach of fiduciary duties. In response David S. Cook had Judge Newman order the transfer of the case from the District Court into the Probate Court. The case was then numbered 495484-402 as an ancillary case to the probate case 495484.

28. David S. Cook then, in a continuation of his self-dealing without the legally required request to and official approval of the court, hired his law firm COOK LAW, PLLC, to act as a Legal Representative of the Estate to file a Motion to have Heimlich, a Beneficiary of the Estate, declared a Vexatious Litigant! In the hearing David S. Cook testified that he expected that his law firm, COOK LAW, PLLC, would ultimately bill the Estate \$175,000 for legal services. A bill that would almost entirely deplete the inheritance of Heimlich and others.

29. To stifle Heimlich's exercise of his right to free speech and right to petition his government for redress of grievances Michael Newman entered a decree, and issued an edict to the County Clerk, to not record any evidence of the crimes in the public record, unless Heimlich posted a bond Michael Newman knew was unattainable.
30. Michael Newman then distanced himself from his complicity in the crimes and deprivation of Heimlich's unalienable rights by recusing himself a few days after he signed his Order declaring Heimlich a vexatious litigant. Judge Newman left his decree to be acted on his friend and fellow Judge to which the case was then assigned, Jerry Simoneaux as the Judge of the probate court of Harris County number 1 created by State of Texas statute.
31. The case was then assigned to Jerry Simoneaux, Judge of Harris County Probate Court 1. A Judge that Heimlich was to learn had an even closer relationship with David S. Cook.
32. Rather than address the grievances Heimlich had with the appointees of Judge Newman, Judge Simoneaux become complicit in the civil and criminal offenses. Cronies are appointed to positions that enable them to charge illegal fees against the Estate of the disabled and elderly heirs of the deceased. Illegal fees that Judge Newman, and now Judge Simoneaux, unlawfully approve.

33. Heimlich then hired Attorney Mark Yablon to represent and protect him from these violations of law. Mark Yablon now had a legal duty to prevent the commission of the offense and prevent the deprivation of unalienable Rights by Judge Newman followed by Judge Simoneaux. Mark Yablon took \$4,000 from Heimlich and did not provide the promised services. Not even the promise to file a Motion for Specific Performance in return Heimlich created for him!

34. The vexatious litigant statute does not apply if represented by an Attorney.

David S. Cook, fearing the loss of the shield provided by the unconstitutional decree and edict of Judge Newman, coerced Mark Yablon to become complicit in his crime, to not provide the service paid for, and withdraw. On information and belief, Judge Simoneaux also encouraged Mark Yablon to withdraw to enable him to be complicit in the civil and criminal acts depriving Heimlich of Unalienable Rights. Mark Yablon is liable for Neglect to Protect 42 USC 1986.

35. Heimlich then hired Attorney Candice Schwager to represent him. She now had a legal duty to prevent the commission of the conversion Heimlich's property, require performance on a contract for conveyance of real property, and prevent the deprivation of Rights by Judges Newman and Simoneaux.

36. Candice Schwager did prepare and file an excellent Motion to Vacate the Orders of Judge Newman that had closed the court to Heimlich. And prepared her own Motion for Specific Performance. Per email from Candice Schwager,

the day she filed these David S. Cook called her, and again fearing the loss of the shield provided vex lit decree and edict of Judge Newman, threatened Candice Schwager. The next day she filed a motion to withdraw.

37. Now completely depleted of his life savings and his credit exhausted, Heimlich has been unable to find an attorney or law firm to assist or represent him.

38. Heimlich filed a sworn criminal complaint with the Office of the Harris County District Attorney, directed to Jim Leitner as Bureau Chief for Intake.

39. Shortly thereafter Heimlich was contacted by the Administrative Judge for the District Courts in Harris County and advised to request the Administrative Judge for the Probate Courts review his pleadings and, if meritorious, to give the Clerk permission to file them.

40. The Administrative Judge found merit in Heimlich's pleading to Vacate the Oppressive Orders of Judge Newman and in the Motion to Compel the Personal representative, David S. Cook, to comply with the Order to sell the real property of the Estate to Heimlich pursuant to the terms of a contract between him and the Estate. Ie; Require Conveyance.

41. Heimlich then set the Orders for submission on the pleadings before Judge Simoneaux docketed for a ruling on May 11, 2023. Judge Simoneaux refused to rule on the submission.

42. The day before, on May 10, 2023, David S. Cook made his 4th attempt to sell the property to a buyer other than Heimlich. The 3 previous buyers withdrew after they, or the Title Insurance company, learned of the pending action for performance on the contract to the buyer in the First Report of Sale, “Ed Heimlich and/or assigns”.

43. David S. Cook, in violation of the Law requiring the name of the purchaser of Estate Property be filed for the Benefit of the Beneficiaries of the Estate, redacted the name of the buyer, the name of the title company, and the name of the broker he contracted with to sell the property.

44. Then, in violation of the Submission Docket Policy of Judge Simoneaux, David S. Cook set his 5th Report of Sale for a hearing to secure an Order of Approval from Judge Simoneaux on Monday the 5th of June.

45. Heimlich then contacted the Office of the District Attorney. He was told Jim Leitner was not in and that Assistant District Attorney George Lindsey in special prosecutions had the complaint. Heimlich was transferred to him and begged George Lindsey to prevent the deprivation of his unalienable Rights.

46. Shortly thereafter the Administrative Judge for the Probate Court, Pamela Medina, closed ranks with Judges Newman, Simoneaux, and the cronies such as David S. Cook that are listed as contributors to her campaign. Apparently notified by George Lindsey that the District Attorney of Harris County will not

prosecute those with at Noble Title of Judge, Judge Pamela Medina signed an order the Law of the Estate Code requiring it be filed, directing that Heimlich's objection to the 5th Report of Sale not be filed. Simultaneously Judge Simoneaux signed an Order approving the sale to the buyer in the 5th Report of Sale without the statutorily required hearing of evidence against the sale as mandated by law codified in the Texas Estates Code.

47. A Judge of a Harris County Probate Court, and other Court Officers under his jurisdiction, have a legal duty to prevent the commission of the criminal offense of misapplication of fiduciary property or conversion of property. This is particularly true in the case of an Administration that is Dependent on the Court to approve actions taken by a fiduciary representing an Estate.

48. Neither Suzan Kornblitt, nor David S. Cook, were appointed to serve as Legal Representatives of the Estate. Billing for the services of their Law Firm is well-established as illegal self-dealing by a fiduciary. It is a breach of the duty of a fiduciary to act in the best interest of Beneficiaries the Estate exists to benefit.

49. Even if the Personal Representative of the Estate, David S. Cook, had applied for, and received, the approval required by the Texas Estates Code for the purchase of Legal Representation of the Estate from COOK LAW, PLLC, the purchase and payment for the services would be an illegal conversion of

property, a criminal act of the misapplication of fiduciary funds, as the expense was entirely avoidable, unnecessary, and of no benefit to the Estate.

INCONTROVERTIBLE FACTS ON UNLAWFUL CONVERSION

AND TO REQUIRE PERFORMANCE

ON THE CONTRACT TO CONVEY REAL PROPERTY

The following is the incontrovertible facts prepared by Attorney Candice Schwager prior to her withdrawal in a concise one paragraph summary with supporting exhibits:

Mr. Cook acknowledged his understanding that Heimlich intended to flip the property for profit in the Contract for sale executed November 18, 2021 and during the oral hearing that occurred April 13, 2022. Exhibit A1, Contract, and D, Transcript of oral hearing dated April 13, 2022, page 24, lines 11-24. Both parties knew and intended for the Cook/Heimlich contract to be assigned to DII Fund when Heimlich flipped the property, so access to the property was a material term provided for in Paragraph 7A of the Cook/Heimlich contract. Paragraph 7A states, “Seller shall permit Buyer and Buyer’s agents access to the Property at reasonable times.” Exhibit A1.

The contract between Mr. Heimlich and the Estate entitled him to 90 days to close on the transaction. Mr. Heimlich performed and informed the Seller’s

personal representative, David S. Cook, 19 days before the conclusion of the 90 days that he had assigned the contract. See **Exhibit A-1** and **A-2**, emails exchange February 1, 2022. The Estate, by and through the personal representative, David S. Cook, announced to all before the 88th day, and again on the 89th day, and again on the 90th day following the date of the contract, he was refusing to comply with the terms of the contract and the order of the court approving the contract. See **Exhibit B-1**, email February 16, 2022 and **Exhibit B-2**, email February 17, 2022, **Exhibit B-3**, email February 18, 2022. **Exhibit B-3** also proves Mr. Heimlich was ready to close and had done all that was required of him under the contract. The contract provided for Seller to close on or before **February 19, 2022, or within 7 days thereafter (Closing Date)** See Paragraph 9 of the contract. See the **personal representative's Exhibit A, the contract**, attached to his Motion to Expunge Notice of Lis Pendens, and attached hereto as **Exhibit C**. Paragraph 15 of the contract entitles Mr. Heimlich to specific performance. It is a contractual right.

VII. CONCLUDING COMMENTS ON THE FACTS

The facts are incontrovertible and now well established in the public record under files numbered 482316 and 495484 along with the ancillary files numbered 495484-401 and 495484-402, with the Harris County Clerk. The foregoing facts, and other facts that prove beyond any reasonable doubt the defendants are liable

for violating Federal Law, both civil and criminal, for past and ongoing deprivation of Unalienable Rights our supreme Law of the Land was enacted to secure.

Plaintiff / Petitioner is not only being denied the Equal Protection of the Law, but he is also being denied ANY protection of ANY law. He is being denied LIBERTY, the right to have Law protect him from, first and foremost, those who hold positions of public trust in a re-public, meaning a government for the people.

The Federal Government has a duty to ensure there is in Texas, at all times and in every court, a Republican form of Government. The Federal Government has a duty to restore the Rule of Law over those who Rule using the Title of their position of employment in government as a de facto Title of Nobility providing unlimited discretion to treat the Constitution and Laws of the United States, and of the State of Texas, as nothing more than suggestions. They believe they are above the law. The Federal Government has a duty to bind the Judges in every State to the supreme Law of the Land, pursuant to the supremacy clause, *any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

From the time of the inception of our Nation on July 4, 1776, with these words “*all men are created equal*”, and carved in stone above our US Supreme Courthouse “*Equal Justice Under Law*”, and as was the unquestionable intent of the “*prohibition against titles of nobility*” found in our US Constitution before the Bill of Rights was added, a prohibition found as well with the same purpose and

intent of providing for people to be treated impartially, free of bias based on titles associated to a profession or other class, to the enactment of the 14th Amendment following an extremely bloody civil war to enforce the Right to ***EQUAL PROTECTION OF THE LAW***; we find the duty of Courts to avoid even the appearance of the impropriety of impartial treatment. Heimlich has unquestionably been deprived of both the Protection of the Law (Liberty) and Equal Protection.

VIII. JUDICIAL IMMUNITY IS NOT AVAILABLE.

Judge-made law has been utilized by many Federal Judges to grant absolute immunity to those entrusted with a position of public employment as a Judge in the courts of a State of the United States. The Sovereign of Texas has waived any immunity for Judges serving in Probate matters. In Texas, the statutory law codified in The Texas Estates Code excepts the Judges when an Estate is administered under the orders of a county or probate court from avoiding liability on their bond for damage or loss that results from gross neglect of the judge to use reasonable diligence in the performance of their legal duties. They have no immunity in their Official Capacity as a Judge.

PROBATE COURT JUDGES ARE LIABLE UNDER TEXAS LAW.

See TEXAS ESTATES CODE:

Sec. 351.352. ENSURING COMPLIANCE WITH LAW. A county or probate court shall use reasonable diligence to see that personal representatives of estates administered under court orders and other officers of the court perform the duty enjoined on them by law applicable to those estates.

Sec. 351.354. JUDGE'S LIABILITY. A judge is liable on the judge's bond to those damaged if damage or loss results to an estate administered under orders of a county or probate court from the gross neglect of the judge to use reasonable diligence in the performance of the judge's duty under this subchapter.

IX. CRIMINAL OFFENSES

The Sovereign of Texas has waived any immunity for Judges for criminal offenses. See section 7.03, DEFENSES EXCLUDED, of the subchapter titled COMPLICITY

TEXAS PENAL CODE:

Sec. 7.02. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.

(a) A person is criminally responsible for an offense committed by the conduct of another if:

(1) acting with the kind of culpability required for the offense, **he causes or aids an innocent or nonresponsible person** to engage in conduct prohibited by the definition of the offense;

(2) **acting with intent to promote or assist the commission of the offense**, he solicits, encourages, directs, **aids, or attempts to aid the other person to commit the offense**; or

(3) **having a legal duty to prevent commission of the offense** and acting with intent to promote or assist its commission, **he fails to make a reasonable effort to prevent commission of the offense**.

(b) If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

Sec. 7.03. DEFENSES EXCLUDED. In a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission, **and it is no defense:**

(1) that the actor belongs to a class of persons that by definition of the offense is legally incapable of committing the offense in an individual capacity; or

(2) that the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, **or is immune from prosecution**.

TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION

CHAPTER 39. ABUSE OF OFFICE

Sec. 39.01. DEFINITIONS. In this chapter:

(1) *"Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly:*

(A) imposes a duty on the public servant; or

(B) governs the conduct of the public servant.

(2) *"Misuse" means to deal with property contrary to:*

(A) an agreement under which the public servant holds the property;

(B) a contract of employment or oath of office of a public servant;

(C) a law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or

(D) a limited purpose for which the property is delivered or received.

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY.

(a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(1) violates a law relating to the public servant's office or employment; or

(2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

The elements of Official Oppression are (1) a public servant acting under color of his office, (2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, (3) knowing his conduct is unlawful. Michael Newman, as a graduate of a law school with a license to practice law knew I have a right pursuant to the specific performance clause in the contract for the purchase and sale of the property approved by him. Rather than order the Personal Representative he appointed to comply with the court order Michael Newman enters orders to deny or impede my exercise of my right, secured in the Texas Estates Code, to object to applications by the Personal Representative

for approval for acts by him that affect the value of the Estate of which I am a beneficiary of.

Sec. 39.03. OFFICIAL OPPRESSION.

(a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) intentionally subjects another to sexual harassment.

(b) For purposes of this section, a public servant acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

Probate Courts are not intended to be adversarial. They are intended to be Administrative. I, Heimlich, did not file in either case as a “Plaintiff”. I filed as an “Applicant”. I did not file for my own benefit alone. I filed for the benefit of my Father and then for the benefit of the Estate. It is, therefore, impossible for me to be a ‘Vexatious Litigant’ as the statute applies only to those who are pro se acting as a Plaintiff. The order of Judge Newman declaring me to be a Vexations Litigant in the probate case I filed is unquestionably unlawful and for the purpose of rendering me incapable of exercising my right to defend my property in the Estate from conversion and misapplication of fiduciary funds and prevent me from enforcing the contract for the conveyance of real property I have sweat equity and equitable investment interest in.

The elements of the crime of misapplication of fiduciary property, codified in section 32.45 of the Texas Penal Code, are **(1)** a Fiduciary, in this case a Guardian followed by a Dependent Administrator. Both of whom were appointed by Michael Newman as Probate Court Judge for the State of Texas. **(2)** misapplies property by dealing with the property **(A)** contrary to an agreement under which the fiduciary holds the property; or **(B)** contrary to a law prescribing the custody or disposition of the property, **(3)** in a manner that recklessly, if not intentionally or knowingly, involves substantial risk of loss to the owner of the property or to a person for whose benefit the property is held.

Similarly, the elements to establish a conversion claim under federal law are; (1) a plaintiff must prove that they had a possessory interest in the property, (2) the defendants intentionally interfered with the plaintiff's possession; and (3) the defendants' acts are the legal cause of the plaintiff's loss of property. Petitioner / Plaintiff Heimlich has a possessory interest in the property he is to inherit, and in the property he contracted to fix and flip. Defendants have intentionally interfered with his right to possession of his property causing loss of his property to excessive fees and unnecessary costs imposed on the property of the Estate Petitioner has a possessory interest in.

X. JURISDICTION – ELABORATION ON IMPORTANCE OF FEDERAL JUDGES EXERCISING THEIR POWER

The importance of an honorable and independent Federal Judiciary exercising jurisdiction to protect unalienable rights from deprivation cannot be overstated. Overlooked by most is the fact that the nation of Germany, when the Nazi party was the dominant political force and had control of the government, had a tri-partite, federal system, of government little different from the structure of our own. The same is true of the Union of Soviet Socialist Republics when the Bolsheviks were the dominant political force and in control of the government.

Those States had a form like a Republic with a structure composed of three branches like our own with semi-autonomous States under a Federal State. Both had Constitutions with words that acknowledged the Rights of Individuals with additional privileges and immunities for their Citizens. But as is now well known to history, in practice their Constitutions and laws provided no security for the same rights their people were endowed with by the same Laws of Nature and Nature's God from which spring the rights of the people of our own Nation. Their Constitution did not guarantee a Republican Form of Government and neither their Federal Government nor the Government of their States, functioned in a manner

required for them to be considered, in substance, a Republic. Millions suffered the deprivation of even their unalienable right to life.

Similarly, the government from which we demanded our Independence also had a tripartite system with a Parliament acting in the role of our Congress, an Executive Division, (under a King rather than by election) that was expected to comply with the limits and duties imposed upon the King by the Magna Carta and carry into effect the laws of parliament. The Kingdom had a Judiciary that was also bound by the Law of the Magna Carta. England was, and is, a Nation of people with the unalienable Rights of the Individual, the natural person, secured in the Magna Carta, the Great Charter of Liberties, first enacted in 1215.

There is **ONE DIFFERENCE** between the failure of the German Nazi States, the Bolshevik State, and the State under King George from which we demanded independence. That difference is found in our Organic Law of July 4, 1776 with this complaint as cause for our blood sacrifice:

“He has made judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.”

The “***He***” referred to is the government of England represented by the King, as part of a government with a Parliament, providing the same functions as our Congress, and with a Judiciary. In Nazi Germany and the Soviet Union, the

independence of the Judiciary was also hindered. **Wisely, encouraged by the arguments of Alexander Hamilton, our Constitution created lifetime appointments for the express purpose of enabling the Judge, and court personnel acting under the supervision of a Federal Judge, to exercise the independence necessary to secure Heimlich's rights from threats by others in positions of public trust.** Including those serving as Judges in the government of a State. That difference can save the United States from becoming a failed State.

The Federal Judiciary has jurisdiction over the parties to this action. **But the question is not one of authority to act. It is a question of willingness to act.** To Honor the very purpose for its creation and existence of the lifetime appointment enjoyed only by a Federal Judge.

The following provisions of the Constitution of the United States not only provide jurisdiction to the federal courts but impose the duty on the federal courts to exercise jurisdiction in this case.

Article 1 – Constitution of the United States

Section 10

No State shall pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Article IV, The States - Constitution of the United States

Section 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

In addition to the foregoing provisions of the Constitution is the Supremacy clause with a direct reference to ***the Judges in every State and placing them under the authority of the United States.***

Article VI: Supreme Law - Constitution of the United States

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, **under the Authority of the United States**, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

How are the Judges in every State to be bound to the Constitution and Laws of the United States if the United States refuses to exercise its authority (aka ‘jurisdiction’)? Under the color of the Law of the State of Texas, by a declaration

of a Judge of a State of Texas statutory probate court, all the courts of Texas have been closed to Heimlich and he has, effectively, been outlawed. That is; put outside the protection of the Law. Deprived of LIBERTY!

Heimlich's right to free speech and to petition has been stifled by the equivalent of declaring him to be of a color or race other than white in a Confederate State prior to our Civil War, the equivalent of placing a Star of David on him in Nazi Germany, to outlaw him – put outside the protection of the law. By the declaration of one Judge, he has been disenfranchised and alienated from what we know, as a self-evident truth, to be unalienable/inalienable and inherent. A Judge arrogantly assuming his position of public service has placed himself above God, above the *“Laws of Nature and Nature's God”*.

Article VI of the Constitution of the United States not only grants the authority, aka “the jurisdiction”, to the Courts of the United States but imposes upon the United States the duty to intervene to force a Judge in the State of Texas to comply with the supreme Law of the Land. To bind them to it.

Heimlich asks this court to command the state officials named herein to refrain from violating federal law pursuant to Ex Part Young.

Ex parte Young

When Young violated the injunction by initiating an enforcement action in state court, the Circuit Court held him in contempt and committed him to federal custody. In his habeas corpus application to the Supreme Court, Young challenged his confinement by arguing that Minnesota's sovereign immunity deprived the federal court of jurisdiction to enjoin him from performing his official duties. **The Supreme Court disagreed, explaining that because an unconstitutional legislative enactment is "void," a state official who enforces that law "comes into conflict with the superior authority of [the] Constitution" and therefore is "stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."** Id. at 159-60. The Supreme Court avoided the apparent conflict with sovereign immunity by creating a legal "fiction" that a federal court does not violate state sovereignty when it orders a state official to do nothing more than uphold federal law under the Supremacy Clause. Stewart, 563 U.S.at 255; Ex parte Young, 209 U.S. at 159-60.

XI. RELIEF:

Heimlich humbly begs the Federal Judge to which this case is assigned will ask the Attorney General of the United States, the Attorney General of the State of Texas, and the District Attorney from Harris County to do their duty to take action to prevent the deprivation of Heimlich's unalienable Rights as required by Federal Law in the Civil Rights Act of 1866 and codified in Title 42 USC 1986. Heimlich

humbly begs the Federal Judge to prevent additional conversion of the property Heimlich has a possessory (property) interest in and require the performance on the contract for conveyance of Real Property, 806 Comstocks Springs in Katy, Texas, and provide such additional remedy and redress, including a jury trial for a determination of actual damages believed in excess of \$200,000 as well as exemplary and punitive damages for the crimes committed by those in institutions, known as Courts, that should be the most trustworthy.

A Citizen in a Republic, under the Rule of Law of a Constitution as the supreme Law of the Land, should be able to file in a Court for a Guardian for his incapacitating father, to protect him from exploitation, without the Court and the Court Appointed Guardian utilizing the case as an opportunity to join in the exploitation. A Citizen in a Republic, under the Rule of Law of a Constitution, as the supreme Law of the Land should be able to file in a Court to secure his inheritance from his father without being forced to fight off the attempted theft of his inheritance by the Judges of the Probate Courts and the cronies they Appoint to fiduciary positions of control of the property of the Citizen.

XII. CERTIFICATION AND CLOSING:

Under Federal Rules of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being

presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the costs of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

DATE OF SIGNING: June 5, 2023

A handwritten signature in black ink, appearing to read 'Edmund Heimlich', written over a horizontal line.

Signature of the Plaintiff: Edmund Heimlich